



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Jeff McElroy

Serial No.: 10/820,220

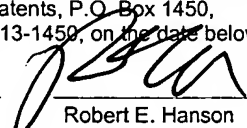
Filed: April 6, 2004

For: PLANTS AND SEEDS OF CORN  
VARIETY I000091

Group Art Unit: 1638

Examiner: Unknown

Atty. Dkt. No.: DEKA:344US

CERTIFICATE OF MAILING 37 C.F.R 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
August 20, 2004	
Date	Robert E. Hanson

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION FILED UNDER 37 CFR 1.53(B)**

**MS MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b), dated June 23, 2004, enclosed are:

- (a) Declaration executed on behalf of Jeff McElroy;
- (b) Our check in the amount of \$1402.00 to cover the basic filing fee (\$770.00 - utility large entity); surcharge for late filing (\$130.00); additional claims fee (\$502.00); and

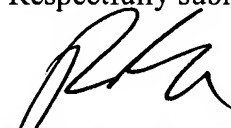
- (c) A copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b).

An Assignment to Monsanto Technology, L.L.C. and a check for \$40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/DEKA:344US.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Robert E. Hanson  
Reg. No. 42,628  
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: August 20, 2004



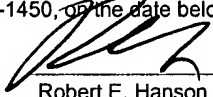
## FULBRIGHT & JAWORSKI L.L.P.

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August 20, 2004

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August 20, 2004	
Date	Robert E. Hanson

**MS MISSING PARTS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/820,220 entitled "PLANTS AND SEEDS OF CORN VARIETY I000091" – Jeff McElroy*  
*Our reference: DEKA:344US*  
*Client reference: 34-63(52069)*

Sir:

Please find enclosed:

- (1) A Response to Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b) mailed June 23, 2004;
- (2) Declaration;
- (3) Copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b)-Filing Date Granted;
- (4) Check in the amount of \$1402.00; and
- (5) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

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Commissioner for Patents  
August 20, 2004  
Page 2

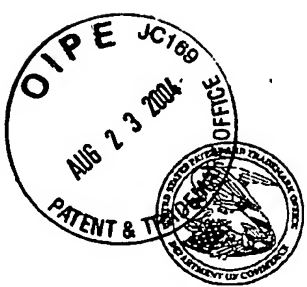
If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included, the Commissioner is authorized to deduct or credit the appropriate fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/DEKA:344US.

Respectfully submitted,



Robert E. Hanson  
Reg. No. 42,628

REH/mar  
Encl.: as noted



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/820,220	04/06/2004	Jeff McElroy	DEKA:344US

32425  
FULBRIGHT & JAWORSKI L.L.P.  
600 CONGRESS AVE.  
SUITE 2400  
AUSTIN, TX 78701

CONFIRMATION NO. 7115

FORMALITIES LETTER



Date Mailed: 06/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/24/2004 WABDELRI 00000082 10820220

01 FC:1001	770.00 OP
02 FC:1051	130.00 OP
03 FC:1201	430.00 OP
04 FC:1202	72.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$502 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1402 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **\$502**
  - **\$430** for **5** independent claims over 3.
  - **\$72** for **4** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*



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Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE